

Index File

Application No. UP-675-05

Robert T. Criner

Application No. UP-675-05 is a request for a Special Use Permit to authorize a 400-foot accessory apartment on the first floor of an existing detached garage in conjunction with a single-family detached dwelling on a 5.07-acre parcel located at 300 Criner Lane (private road) off Elliott Road (Route 691).

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Survey plat
4. Proposed apartment floor plan
5. Existing office floor plan
6. Resolution No. R95-215 (previously-approved Use Permit)
7. Proposed Resolution No. PC05-32(R)

COUNTY OF YORK

MEMORANDUM

DATE: July 21, 2005 (PC Mtg. 8/10/05)

TO: York County Planning Commission

FROM: Earl W. Anderson, Planner

SUBJECT: Application No. UP-675-05, Robert T. Criner

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize a 400-square foot accessory apartment on the first floor of an existing detached garage in conjunction with a single-family detached dwelling on a 5.07-acre parcel located at 300 Criner Lane (Private Road) off Elliot Road (Route 691) and further identified as Assessor's Parcel No. 38-80E.

DESCRIPTION

- Property Owner: Robert T. Criner
- Location: 300 Criner Lane (Private Road)
- Area: 5.07 acres
- Frontage: 460 feet on Criner Lane
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home and detached garage with office
- Surrounding Development:
 - North: Nonconforming sawmill
 - East: None
 - South: None
 - West: Undeveloped lots and common area within Victory Meadows subdivision

- Proposed Development: Construction of an accessory apartment in an existing detached garage

BACKGROUND

In October 1995 the Board of Supervisors approved a Special Use Permit to authorize the continuation of a small contractor's business and employment of two non-resident employees with no outdoor storage of equipment or materials as a home occupation on the subject property. The applicant still operates the approved contracting business from the second floor of the detached garage.

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is five acres, split by the York County and City of Poquoson boundary, with a single-family dwelling and a detached garage being the only structures on the property. The parcel is wooded in the area around the garage providing a heavy, natural buffer. The small contracting business office is located on the western side of the detached garage on the second floor and the accessory apartment will be located on the garage's eastern side on the first floor. The garage is located approximately 140 feet east from Elliot Lane and approximately 150 feet from the single-family dwelling.
2. The surrounding properties, except to the north where a nonconforming sawmill is being operated, are not developed. The property to the east is across the York County/Poquoson border and is zoned by the City of Poquoson for Research and Development. The City of Poquoson's R&D district is intended for research and development offices with encouragement toward quality light industrial, manufacturing, and office uses within the Big Woods area. The parcel to the south is owned by the applicant and currently is undeveloped. Across Elliot Road is 11 acres of common area for the Victory Meadows subdivision.
3. Accessory apartments in detached structures are permitted in the RR district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property contains 4,776 square feet of floor area. The proposed accessory apartment would be located on the first floor of an existing 1,200-square foot two-story detached garage. The applicant has indicated the apartment would be used as the residence for an immediate family member. Currently, the space is used for storage. The proposed accessory apartment would contain approximately 400 square feet of habitable floor area, or approximately 9% of the principal dwelling, and would include an open living area with kitchen and a bathroom (see attached sketch plan).
4. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to

one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.

5. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the small contracting business (three spaces) and the proposed accessory apartment (2 spaces). The single-family dwelling has a driveway measuring approximately 34 feet in width and 42 feet in length and the detached garage has a driveway close to the apartment, which measures approximately 23 feet in width and 20 feet in length and one close to the office measuring approximately 20 feet in width and 62 feet in length. Additionally, the circular drive can accommodate parallel parking. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas described could accommodate approximately eight cars.
6. The property is not within a subdivision and is not subject to any homeowners' covenants, nor does it fall under the jurisdiction of an established homeowners' association.

RECOMMENDATION

Given the above-noted standards, staff is of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC05-32.

Attachments

- Zoning Map
- Survey
- Apartment and existing office floor plan (2)
- Resolution No. R95-215 (previous Use Permit)
- Proposed Resolution No. PC05-32

EWA

APPLICANT

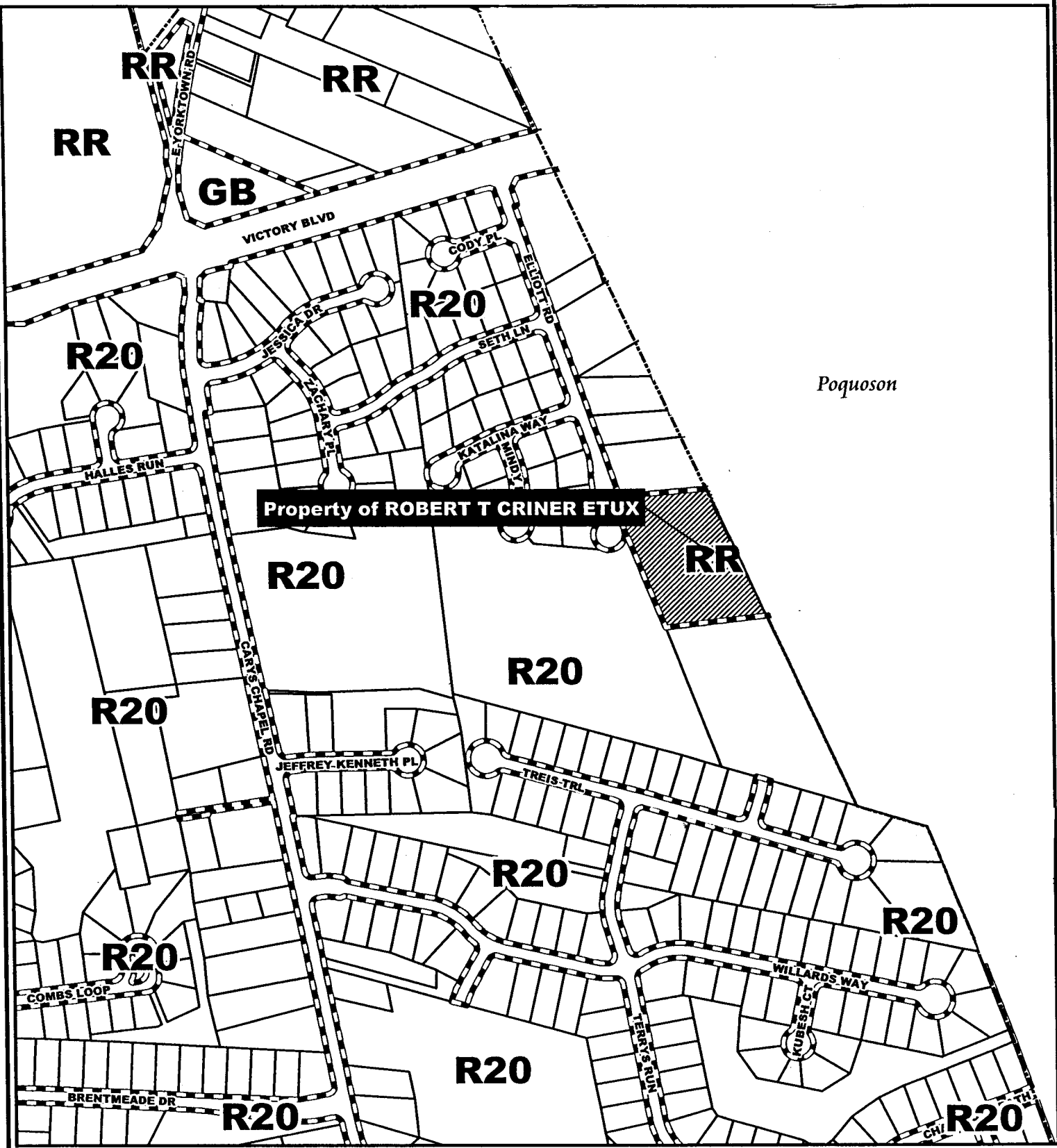
Robert T. Criner

To authorize an accessory apartment

100 CRINER LN

ZONING MAP

APPLICATION NUMBER: UP-675-05



* = Conditional Zoning

0 225 450 900 Feet

Printed on July 06, 2005

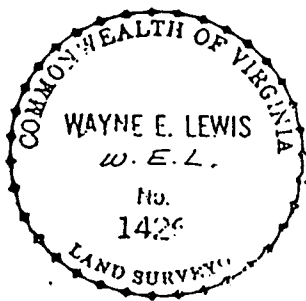
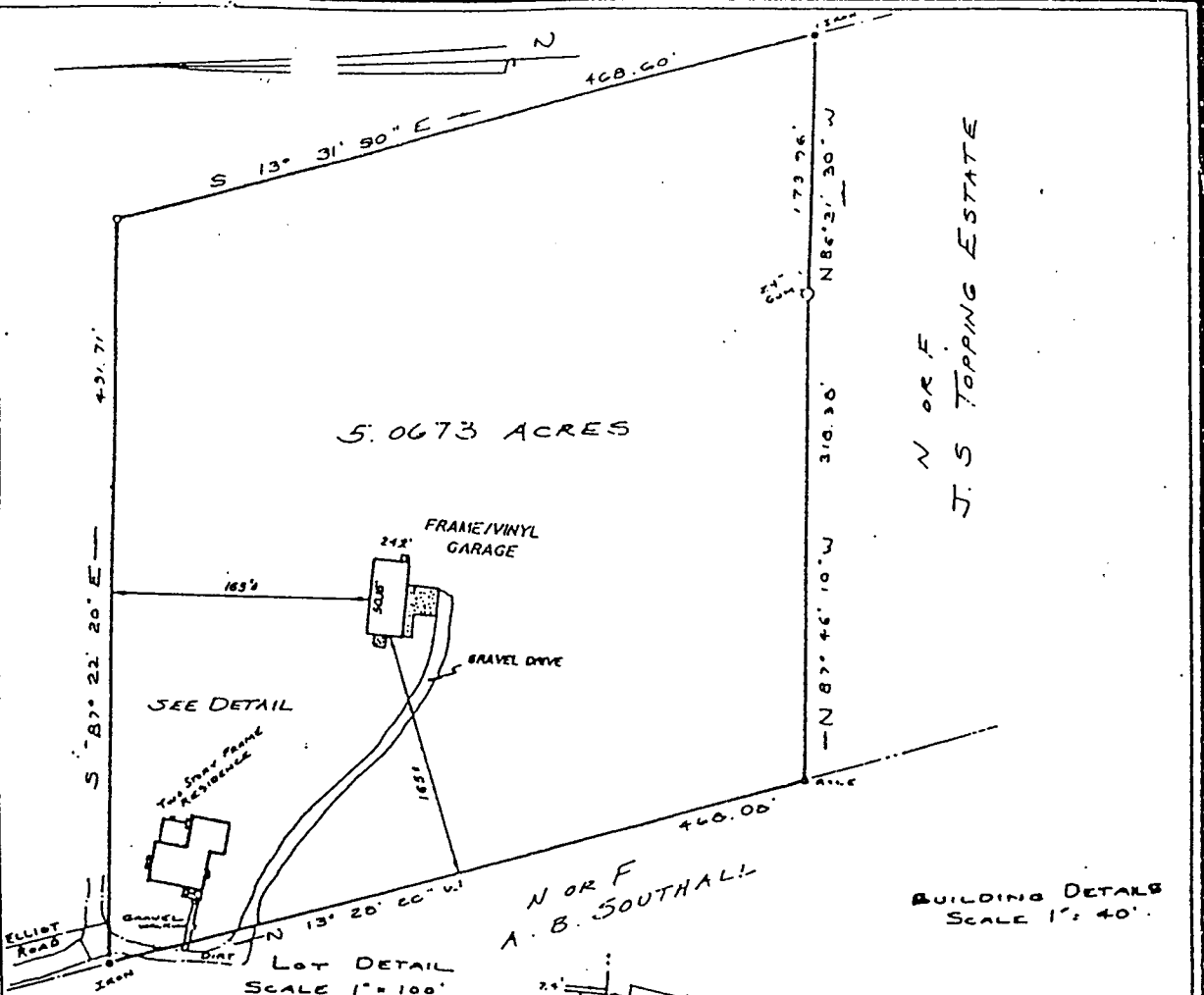


LIBRARY TILE NUMBER:

Lr018

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.



SYMBOLS DENOTE

- PIPE FOUND
- PIPE SET
- ROD FOUND
- CONC. MONUMENT

I, Wayne E. Lewis
 HEREBY CERTIFY THAT THE
 SURVEY REPRESENTED BY THIS
 PLAT WAS MADE ON THIS DATE
 AND IS CORRECT TO THE BEST
 OF MY KNOWLEDGE AND BELIEF.
 THERE ARE NO ENCROACHMENTS
 OF OTHER BUILDINGS UNLESS
 SHOWN HEREON.

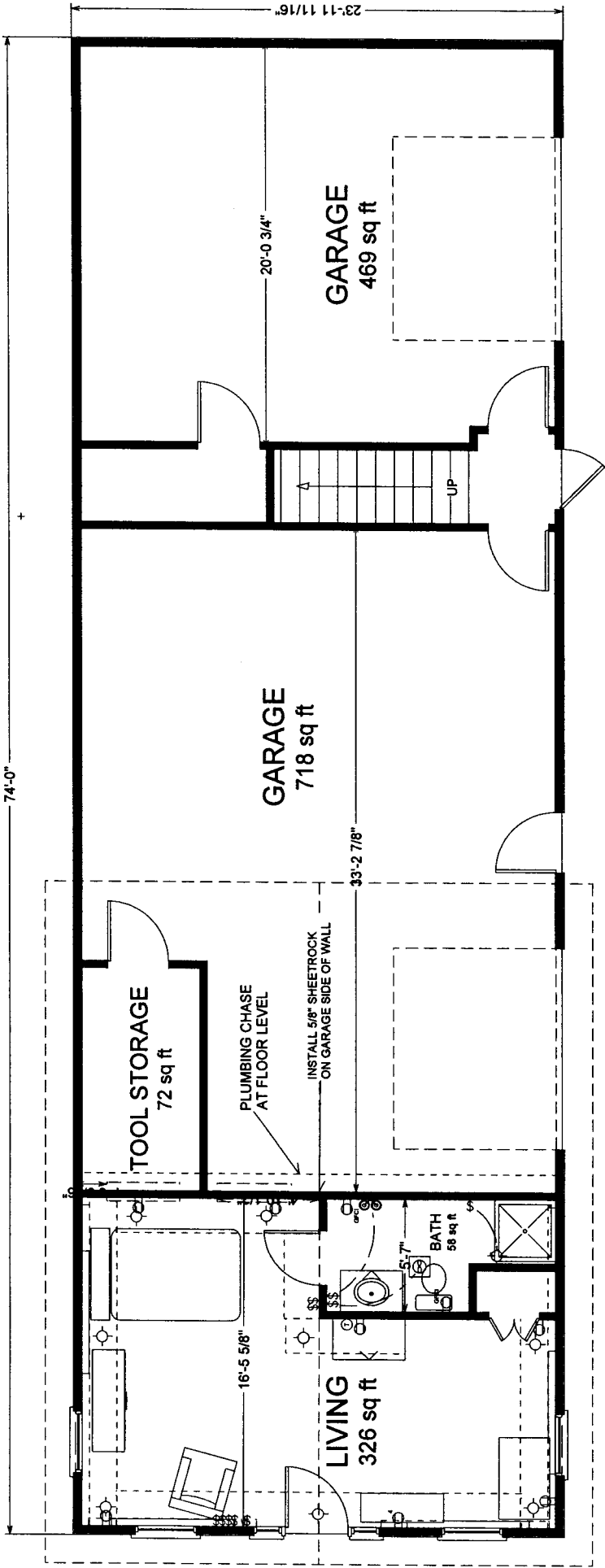
KELLER, LEWIS and ASSOCIATES, P. C.
 LAND SURVEYORS & PLANNERS
 NEWPORT NEWS, VIRGINIA

ADDRESS: # 1 ELLIOT ROAD
 PLAT OF THE PROPERTY OF:
 ROBERT T. & AGNES L. CRINER

PARCEL OF LAND
 CONTAINING
5.0673 ACRES
 BETHEL DISTRICT
 COUNTY OF YORK, VIRGINIA

300 CRINER LANE

FIRST FLOOR WITH PROPOSED BATHROOM

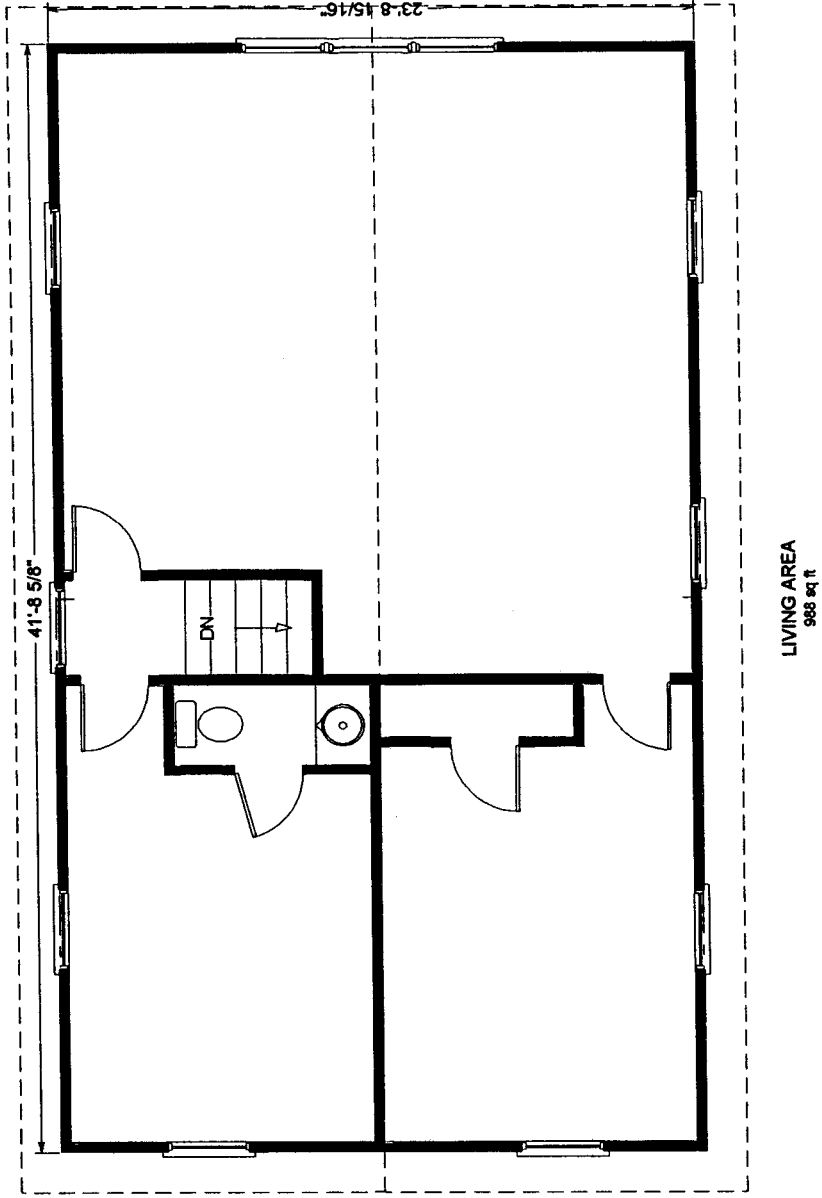


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JUN 30 2005

PLANNING DIVISION
COUNTY OF YORK

300 CRINER LANE
SECOND FLOOR OFFICE SPACE



BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Courts and Board Room, York County District Courts Building, Yorktown, Virginia, on the 18th day of October, 1995:

<u>Present</u>	<u>Vote</u>
Paul W. Garman, Chairman	Yea
Jere M. Mills, Vice Chairman	Yea
Mary F. Sinclair	Yea
Dennis F. Gardner	Yea
James W. Funk	Yea

On motion of Ms. Sinclair, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO APPROVE A USE PERMIT TO AUTHORIZE CONTINUATION OF A SMALL CONTRACTOR'S BUSINESS AND EMPLOYMENT OF TWO NON-RESIDENT EMPLOYEES WITHIN THE HOME OCCUPATION LOCATED AT 300 CRINER LANE

WHEREAS, Robert T. Criner has submitted Application No. UP-491-95 which requests two use permits pursuant to Sections 24.1-281 and 24.1-283 (c) and (e) of the York County Zoning Ordinance, to authorize the continuation of a small contracting business and to employ two non-resident employees at 300 Criner Lane. The subject property is located at the terminus of Elliott Road (Route 691) and further identified as Assessor's Parcel No. 38-80E on the York County tax maps; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has carefully considered the recommendation of the Commission and has conducted a duly advertised public hearing;

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JUN 30 2005

PLANNING DIVISION
COUNTY OF YORK

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of October, 1995, that Application No. UP-491-95 be, and it hereby is, approved subject to the following conditions:

1. This use permit shall authorize the establishment of a small contracting business and the employment of two (2) non-resident employees on a portion of an approximately 5.06 acre tract of property located at 300 Criner Lane approximately 250 feet from the terminus of Elliott Road and further identified as Assessor's Parcel No. 38-80E.
2. This use permit shall only be for the operation of a small contracting business with no outside storage of equipment or materials and shall otherwise comply with provisions of Sections 24.1-281 and 24.1-283 (c) and (e) of the Zoning Ordinance defining such uses.
3. The operation of the business shall be located in the detached garage as shown on the "Plat of the Property of Robert T. and Agnes L. Criner." All storage and office operations within the structure shall be limited to 1,500 square feet.
4. No outside signage shall be permitted for this business.
5. A vegetative screen planted with photinias (redtips) every four to six feet (4' - 6') shall be provided along the perimeter of the property as it abuts residentially zoned properties to the south and west, at such time as those properties are developed residentially.
6. At least three (3) off-street parking spaces shall be provided on the premises to accommodate the non-resident employees and to park one (1) additional vehicle associated with the operation of the business. The truck shall be parked in the existing garage or, as an option, within a fenced parking area that is fully screened from public view. These spaces shall be in addition to the two (2) spaces which are otherwise required for the single-family residence.

A Copy Teste:


Mary E. Simmons
Deputy Clerk

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JUN 30 2005

PLANNING & ZONING
COUNTY OF YORK

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the 10th day of August, 2005:

<u>Present</u>	<u>Vote</u>
Christopher A. Abel	Yes
Alexander T. Hamilton	Absent
John W. Staton	Yes
Nicholas F. Barba	Absent
Alfred E. Ptasznik, Jr.	Yes
Anne C. H. Conner	Yes
John R. Davis	Yes

On motion of Ms. Conner, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY
APARTMENT AT 300 CRINER LANE

WHEREAS, Robert T. Criner has submitted Application No. UP-675-05 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of August, 2005, that Application No. UP-675-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within an existing two-story garage on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the first floor of an existing two-story detached garage on 5.07 acres of land located at 300 Criner Lane (Private Road) and further identified as Assessor's Parcel No. 38-80E (GPIN #V03B-3924-4711).
2. The apartment shall be contained within the existing structure located on the northwestern side of the subject property as indicated on the survey submitted by the applicant titled "Plat of the Property of: Robert T. & Agnes L. Criner, Parcel of Land Containing 5.0673 Acres, Bethel District, County of York, Virginia," prepared by Keller, Lewis and Associates, P.C. and received by the Planning Division on June 30, 2005. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on June 30, 2005 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of ~~400~~800 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall

be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.